

MINUTES OF A REGULAR CITY COUNCIL MEETING HELD JANUARY 15, 2015
AT THE CIVIC CENTER, 83 WEST MAIN, HYRUM, UTAH.

CONVENED: 6:30 p.m.

CONDUCTING: Mayor Stephanie Miller

ROLL CALL: Councilmembers Scot M. Allgood, Jared L. Clawson, Martin Felix, and Paul C. James present.

EXCUSED: Councilmember Aaron Woolstenhulme

CALL TO ORDER: There being four members present and four members representing a quorum, Mayor Miller called the meeting to order.

OTHERS PRESENT: City Administrator Ron Salvesen, and fifteen citizens. City Recorder Stephanie Fricke recorded the minutes.

WELCOME: Mayor Miller welcomed everyone in attendance.

PLEDGE OF ALLEGIANCE: Councilmember Allgood led the governing body and the citizens in the Pledge of Allegiance.

INVOCATION: Councilmember Clawson

APPROVAL OF MINUTES:

The minutes of December 4, 2014 were approved as written.

ACTION

Councilmember Clawson made a motion to approve the minutes of December 4, 2014 as written. Councilmember Felix seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

AGENDA ADOPTION: A copy of the notice and agenda for this meeting was faxed to The Herald Journal, mailed to each member of the governing body, and posted at the Civic Center more than forty-eight hours before meeting time.

ACTION

Councilmember Clawson made a motion to approve the agenda for January 15, 2015 as published. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

AGENDA

8. PUBLIC COMMENT
9. SCHEDULED DELEGATIONS:

- A. Steve Moss, Timberland Pallets - To request site plan approval to build an office building at 369 West Main.
10. INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:
- A. Resolution 15-01 - A resolution authorizing a Councilmember to automatically succeed to the position of Mayor Pro Tempore.
- B. Resolution 15-02 - A resolution accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (JBS Swift Company Annexation - 7.88 Acres).
- C. Ordinance 15-01 - An ordinance amending the Zoning Map of Hyrum City, Utah by rezoning property from Residential R-2 to Manufacturing Medium to Heavy M-2 (JBS Swift property at approximately 200 West to 80 West between 320 North and 370 North - South of JBS Plant; and property at approximately 400 North between 230 West and 280 West - Northwest of the JBS Plant).
- D. Ordinance 15-02 - An ordinance adding Sections 2.64.050, 2.64.060, 2.64.070, and 2.64.080 to Title 2 (Administration and Personnel) of the Hyrum City Municipal Code to set forth procedures for disposal of City surplus personal property and setting a value limit for such disposal.
11. OTHER BUSINESS:
- A. Consideration and acceptance of improvements for Phase II of Rolling Hills Estates.
- B. Consideration and approval of Mt. Sterling Farms PUD Development Agreement.
- C. Irrigation rates.
- D. Comprehensive Transportation Funding Resolution.
- E. Appointment to the Hyrum Museum Board.
- F. Budget Report.
- G. Mayor and City Council reports.
12. ADJOURNMENT

PUBLIC COMMENT:

Mayor Miller said if a citizen has a question or would like to make a comment to please keep it under three minutes.

Shari Miller said she is concerned about the proposed rezone of JBS Swift property that is being voted on at tonight's meeting. She attended a Planning Commission Meeting on January 8, 2015 where a public hearing was held to discuss the rezone of the JBS Swift property from Residential R-2 to Manufacturing M-2. At this hearing she and other neighbors expressed their concerns about the property being rezoned. Once this property is rezoned the surrounding neighbors will have no right to request low noise

level, raise concerns about traffic, odor or blight caused by the manufacturing business. She understands that JBS needs to expand to in order stay profitable but this will negatively impact the neighborhood and decrease property values. She is asking for a compromise to the rezone of the property - she wants a 40' on the south end of the property to stay residential with a decorative sound wall that is at least 10' high or have a sound engineer determine the height of the fence, that the fence has a decent landscape plan and allow the residents who border the fence to have input on how the ground is landscaped. If it is too much to ask JBS to do this then the property should remain Residential since the impact of the growth of the plant is on the surrounding neighbors.

Mayor Miller asked for additional public comment, there being none she closed the public comment portion of the meeting.

SCHEDULED DELEGATIONS:

STEVE MOSS, TIMBERLAND PALLETS - TO REQUEST SITE PLAN APPROVAL TO BUILD AN OFFICE BUILDING AT 369 WEST MAIN.

City Administrator Ron Salvesen said the Planning Commission on December 11, 2014 reviewed the site plan and is recommending approval with the following conditions: 1) Steve must obtain all necessary permits and meet all necessary building requirements; 2) Place an escrow deposit of \$1,500 for landscaping which includes landscaping as shown on the site plan with shrubs and flowers around the building and the amount of green grass as shown on the plan with a sprinkler system to be completed by June 1, 2015; and 3) A fence that blends with the design of the building be installed in the near future.

Steve Moss with Timberland Pallets said he and a partner owns the property at 369 West Main. There are two buildings but his partner owns the north building and that is the one with an office in it. He uses the south building and there is no space for an office in it. He has been using his home for an office but as his business continues to grow he realizes there is a need for his office to be on site. The building he is proposing would be built on skids and would be portable in case one day he had to move his business. The proposed building would be 20' x 12' with an additional 4' for a porch. The building will look rustics but he will using brand new Douglas Fur lumber. The metal will be new and rust in color. He wants to work on the landscaping around the building by adding a walkway, a lawn, and removing all crushed asphalt. He will install a sprinkler system and some plants around the new buildings. He has not been happy with the landscaping of the business and this will give him an

excuse to clean up the area.

ACTION

Councilmember James made a motion to approve the site plan for Timberland Pallets at 369 West Main to build an office building with the following conditions: 1) Steve must obtain all necessary permits and meet all necessary building requirements; 2) Place an escrow deposit of \$1,500 for landscaping which includes landscaping as shown on the site plan with shrubs and flowers around the building and the amount of green grass as shown on the plan with a sprinkler system to be completed by June 1, 2015; and 3) A fence that blends with the design of the building be installed in the near future. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

INTRODUCTION AND ADOPTION OF RESOLUTIONS AND ORDINANCES:**RESOLUTION 15-01 - A RESOLUTION AUTHORIZING A COUNCILMEMBER TO AUTOMATICALLY SUCCEED TO THE POSITION OF MAYOR PRO TEMPORE.****ACTION**

Councilmember Clawson made a motion to approve Resolution 15-01 authorizing Councilmember Martin L. Felix to automatically succeed to the position of Mayor Pro Tempore. Councilmember James seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

RESOLUTION 15-02 - A RESOLUTION ACCEPTING A PETITION FOR ANNEXATION OF CERTAIN REAL PROPERTY UNDER THE PROVISIONS OF SECTION 10-2-405, UTAH CODE ANNOTATED, 1953, AS AMENDED (JBS SWIFT COMPANY ANNEXATION - 7.88 ACRES).

Mayor Miller said JBS Swift has submitted a petition for annexation for 7.88 acres of ground located on the north boundary line of the City. The property being annexed would bring the City limits to the very south edge of the railroad tracks. It will bring in JBS Swift truck repair shop, an additional parking lot, and the rest of the main plant. The City Council is only accepting the petition for annexation tonight and this resolution does not bind the City in any way to have to annex this property. By law the City Council has to accept the annexation petition if it wants to continue with the possibility of annexing the property. Once the City Council approves the annexation petition by resolution, the City Recorder and City Attorney will review the petition to ensure it meets State Code and present the certification within 30 days of the approval. The certification will be published in the Herald Journal setting

the protest period of 30 days. After the protest period the City will hold a Public Hearing and then make a decision as to whether it wants to annex the property at that time. The City is sovereign on the decision of annexations and does not need a reason to annex or not annex the property at any time during the process.

ACTION

Councilmember James made a motion to approve Resolution 15-02 accepting a petition for annexation of certain real property under the provisions of Section 10-2-405, Utah Code Annotated, 1953, as amended (JBS Swift Company Annexation - 7.88 Acres. Councilmember Felix seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

ORDINANCE 15-01 - AN ORDINANCE AMENDING THE ZONING MAP OF HYRUM CITY, UTAH BY REZONING PROPERTY FROM RESIDENTIAL R-2 TO MANUFACTURING MEDIUM TO HEAVY M-2 (JBS SWIFT PROPERTY AT APPROXIMATELY 200 WEST TO 80 WEST BETWEEN 320 NORTH AND 370 NORTH - SOUTH OF JBS PLANT; AND PROPERTY AT APPROXIMATELY 400 NORTH BETWEEN 230 WEST AND 280 WEST - NORTHWEST OF THE JBS PLANT).

City Administrator Ron Salvesen said the Planning Commission held a public hearing on January 8, 2015 to receive public comment to rezone property from Residential R-2 to Manufacturing Medium to Heavy M-2 located at approximately 200 West to 80 West between 320 North and 370 North - South of the JBS Plant, and property at approximately 400 North between 230 West and 280 West - Northwest of the JBS Plant. JBS Swift purchased this property in the hopes it would be rezoned and it could use the property to expand its operations. The Planning Commission recommended approval of the rezone with the following conditions: 1) A two sided decorative wall at least 8 feet tall, to be determined with site plan approval be installed as a buffer for residences on the south; 2) A 30 buffer zone south of the proposed wall to remain zoned R-2; 3) The 'Hammond Home' and shown lot area to remain zoned R-2; 4) The deed have a recorded restriction stating parking and landscaping are only allowed on the property rezoned; and 5) A minimum 6 foot tall privacy fence be required on the west boundary of proposed parking lot west of 200 west.

Derik Page with JBS Swift said the property being requested to be rezoned is critical property for the expansion of the JBS Swift Plant. The rezoned property will be used as an entrance and exit road into the plant and for parking, and landscaping. There will be no buildings on the property being rezoned. If the fence has to be set back from the property line 40' it will

cause the road to be too steep and they would have to move the road to a different location, but the City wants them to keep traffic to come out on 200 West. If the road doesn't go on the property being rezoned then there is no place for the road to be moved in order to keep an access on 200 West. JBS wants to work with the neighbors on landscaping the property between the fence and the neighbor's property.

Councilmember James suggested JBS Swift hire a sound engineer to determine if an eight foot wall will stop the noise or if it needs to be higher. As expansion at the plant happens the noise level cannot increase as per the site plan approved on November 20, 2014.

Derik Page said JBS Swift has not hired a sound engineer but if it became a requirement JBS would do it. When it comes to sound JBS has went to great lengths to measure the current sound level and designed the expansion to help block future noise. The expansion of the plant will block the current noise coming from the cattle pens. JBS will plant trees on the north side of the eight foot wall.

Councilmember Clawson said the expansion needs to have dark sky lighting.

Derik Page said the lights have been designed with dark lights that have zero illumination onto neighboring property.

Shari Miller said she doesn't mind the 30' setback for the fence as long as there is no noise. If JBS or another company expands she wants to ensure that the wall will have to be redesigned to block future noises if it exceeds the current noise level. She would prefer a 10' high wall over a 40' setback for the fence.

ACTION

Councilmember James a motion to approve Ordinance 15-01 an ordinance amending the Zoning Map of Hyrum City, Utah by rezoning property from Residential R-2 to Manufacturing Medium to Heavy M-2 (JBS Swift property at approximately 200 West to 80 West between 320 North and 370 North - South of JBS Plant; and property at approximately 400 North between 230 West and 280 West - Northwest of the JBS Plant) with the following conditions: 1) A two sided decorative wall at least 8 feet tall, to be determined with site plan approval be installed as a buffer for residences on the south; 2) A 30 buffer zone south of the proposed wall to remain zoned R-2; 3) The 'Hammond Home' and shown lot area to remain zoned R-2; 4) The deed have a recorded restriction stating parking and landscaping are only

allowed on the property rezoned; 5) A minimum 6 foot tall privacy fence be required on the west boundary of proposed parking lot west of 200 west; 6) JBS Swift consult with the residential property owners on type of landscaping they want done on the southside of the 8' high wall; and 7) If there is future expansion or an addition to the plant that the sound issues be addressed so that additional noise does not encroach on neighboring properties and that JBS Swift hire a sound engineer to conduct a study before any future expansion approvals are given. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

ORDINANCE 15-02 - AN ORDINANCE ADDING SECTIONS 2.64.050, 2.64.060, 2.64.070, AND 2.64.080 TO TITLE 2 (ADMINISTRATION AND PERSONNEL) OF THE HYRUM CITY MUNICIPAL CODE TO SET FORTH PROCEDURES FOR DISPOSAL OF CITY SURPLUS PERSONAL PROPERTY AND SETTING A VALUE LIMIT FOR SUCH DISPOSAL.

City Administrator Ron Salvesen said the proposed ordinance will allow the City to dispose of City property with a present value of \$101 to \$250 with the consent of the Mayor or City Administrator in the most economical way possible. If the property has a value of \$100 or less the Department Head can dispose of City personal property in a manner that he or she chooses to do so. If the property has a value of more than \$250 or an original value of more than \$5,000 the property must go before the City Council and be disposed of according to the mandates of Utah Code.

ACTION

Councilmember James made a motion to adopt Ordinance 15-02 adding Sections 2.64.050, 2.64.060, 2.64.070, and 2.64.080 to Title 2 (Administration and Personnel) of the Hyrum City Municipal Code to set forth procedures for disposal of City surplus personal property and setting a value limit for such disposal. Councilmember Clawson seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

OTHER BUSINESS:

CONSIDERATION AND ACCEPTANCE OF IMPROVEMENTS FOR PHASE II OF ROLLING HILLS ESTATES.

City Administrator Ron Salvesen said the City Engineer has reviewed and inspected all improvements in Phase II of Rolling

Hills Estates and is recommending acceptance of it.

ACTION Councilmember Felix made a motion for the City to accept the improvements for Phase II of Rolling Hills Estates. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

CONSIDERATION AND APPROVAL OF MT. STERLING FARMS PUD DEVELOPMENT AGREEMENT.

City Administrator Ron Salvesen said the City Council was provided a copy of Mt. Sterling Farms PUD Development Agreement. He asked if there were any questions or concerns with the agreement.

ACTION Councilmember James made a motion to approve Mt. Sterling Farms PUD Development Agreement as submitted. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

IRRIGATION RATES.

City Administrator said over the past numerous Financial and Management Annual Audits the auditors have recommended Hyrum City increase its pressurized irrigation rates to at least cover the cost of providing service. The City is currently losing money at the monthly rates being charged.

Councilmember James said irrigation share assessments have increased over the years, and pumping and maintenance costs have also increased, but pressurized irrigation rates have not. He suggested the City review the costs and if it takes increasing rates by \$3 a month to break even the City has to do it.

The City Council asked City Administrator Ron Salvesen to prepare an irrigation rate comparison with other cities for the next City Council Meeting.

COMPREHENSIVE TRANSPORTATION FUNDING RESOLUTION.

Mayor Miller said the Utah League of Cities and Towns has prepared a resolution encouraging the State of Utah to address comprehensive transportation funding and implement a quarter cent local options sales tax to be used for transportation needs. This resolution will be on the next City Council agenda.

APPOINTMENT TO THE HYRUM MUSEUM BOARD.

Councilmember Felix said he has contacted Madelene McBride about serving on the Museum Board. Madelene has agreed to serve on the Board if approved.

ACTION

Councilmember Felix made a motion to approve Madelene McBride to serve on the Hyrum Museum Board. Councilmember Allgood seconded the motion and Councilmembers Allgood, Clawson, Felix, and James voted aye. The motion passed.

BUDGET REPORT.

Mayor Miller said she is working with City Treasurer Todd Perkins and City Administrator Ron Salvesen on the preparing next year's budget. The City Council should be receiving some forms on budget requests and financial needs for next year. Mayor Miller then reviewed the current fiscal year expenditures and revenues by department in detail. All departments are under budget on expenditures and hopefully we will be able to pay for the new City Office Building in cash.

MAYOR AND CITY COUNCIL REPORTS.

Councilmember Felix said the Museum Board is making preparations for Hot Wheels and Hot Dogs.

Councilmember James said there were over 275 lift tickets sold at Hyrum City's Ski Night at Beaver Mountain. Beaver Mountain sold more than \$400 in food and had over 140 ski rentals that night. It was a great success and he will make arrangements for next year.

Councilmember Allgood he is still trying to find a speaker for the Patriotic Program. He will be sending out a letter with the business license renewals asking businesses if they are interested in a business fair that would be held in conjunction with Hot Wheels and Hot Dogs.

Councilmember Clawson said he met with Hansen and Associates and they are trying to find out where the water on the southend of valley is going when it leaves Porcupine Reservoir. The Library is holding its Book and Bake Sale on February 14.

City Administrator Ron Salvesen said Nibley City and Providence City have invited Hyrum City to attend a joint meeting on January 20 at 6:30 p.m. in Nibley to review the sewer study that was conducted to determine the feasibility of Nibley and Providence buying into Hyrum City's wastewater treatment plant.

Mayor Miller said the Youth Council is going to attend a day with the legislators on February 27 which is not the same as the ULCT Day at the Legislator. All of the Youth Council members have the opportunity to go and meet the legislators for the same cost as a couple of members attending the ULCT one. The Youth Council is also helping register people for the Polar Plunge at Hyrum Stat Park. She is working with Park Superintendent Brad Call and City Administrator Ron Salvesen on the next phase of Blacksmith Park. There will be a splash pad, volleyball sandpit and another smaller pavilion. She is meeting with contractors and suppliers to get quotes on upgrades to the Hyrum Civic Center and renovating the old library. Planning Commissioner Jeff Nielsen has agreed to serve at least one more year on the Planning Commission. Jeff's term expired this January but due to his knowledge and value to the Planning Commission it was determined to ask Jeff to stay on the Planning Commission for two more years.

ADJOURNMENT:**ACTION**

There being no further business before the City Council, the Council Meeting adjourned at 8:20 p.m.

Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Approved: February 5, 2015 ==
As written